

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit : 3714
Examiner : Nguyen, Kim T.
Serial No. : 10/810,255
Filed : March 29, 2004
Inventor : Iosilevsky
Title : Electronic Game Table

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Dated: June 29, 2007

Commissioner of Patents
Washington, DC 20231

DECLARATION OF BRIAN HAVESON

Sir:

I, Brian Haveson, a resident of Garnet Valley, Pennsylvania, do hereby declare and state as follows:

1. I have played poker for about forty years and have been a professional player for over ten years. I hold a bachelor's degree in aerospace engineering and an MBA degree.
2. I am currently Chief Executive Officer of Lightning Poker, Inc. (p/k/a/ Pokermatic) that produces a fully automated electronic poker table that permits poker to be played by players at the table without a dealer, and without chips or playing cards.
3. I have been involved in the poker field and the gaming industry for a sufficiently long time to observe the trends and growth in the industry. Moreover, as a trained engineer and experienced business professional, I have observed and analyzed the market and the technology used in poker and poker-related products. It was this combination of experience and analysis that led me to launch Lightning Poker.
4. I am familiar with the product disclosed in U.S. Patent No. 6,386,973—Yoseloff. The technology disclosed in this patent is consistent with my recollection of the gaming technology I observed around 1999 when the application for this patent was filed.

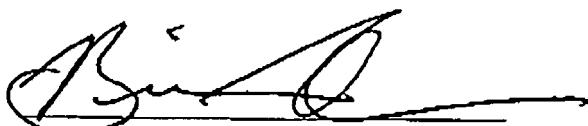
5. In the late 1990's there was an effort to add technology to poker games and poker-related games played in casinos, primarily to entice players who lacked poker playing experience and were apprehensive about approaching a "live" table game.
6. Yosselof is directed to casino games using a dealer that are derived from or are related to poker, but does not relate to re-creating an actual table game of poker.
7. Based upon my information and belief, devices such as those disclosed in Yosselof were not commercially successful, primarily because they were designed to attract non-poker players, not fill an existing market need.
8. I am familiar with U.S. Provisional Patent Application No. 60/481,555—Crawford. The technology disclosed in this application is consistent with my recollection of the gaming technology I observed around 2003 when this application was filed.
9. In the early 2000's poker, particularly "Hold 'Em" style poker played in tournaments, became a popular culture phenomenon. At the same time, Internet poker, including Internet "Hold 'Em" style games, also experienced exponential growth.
10. The computer screen used in Internet poker has a certain look and feel, and the game itself has a different speed of play and different strategies than a conventional table game. The player focuses solely on the computer screen and makes decisions based on that screen.
11. The disclosure of the Crawford application is essentially a group of Internet poker "stations" that can be placed in a casino. Crawford discloses a number of ways to hide the "pocket" or confidential cards dealt to a player in card games.
12. The system disclosed by Crawford retains the style of play found in Internet poker and is based on a player focusing solely on a computer screen for game information, and not on the center of the table, as would be required during a traditional table game.
13. Crawford recognizes the appeal of human interaction during a poker game and the strategy of trying to "read" another player, and in this way differs from Internet poker.

14. Based upon my information and belief, devices such as those disclosed in Crawford were not commercialized at all, primarily because they were designed to attract Internet players into casinos, not to fill an existing market need.
15. Fully automated electronic poker tables, such as the tables manufactured by my company, Lightning Poker, are meant to replace traditional casino tables by automating all the functions. The tables have a player monitor that displays pocket (confidential) cards and a monitor in the center of the table that displays several community cards. Game play is conducted using buttons accessible to the players so they may bet, fold, ante, etc.
16. There has been a strong market demand for fully automated electronic poker tables. Demand presently outstrips the ability of my company to supply tables. Tables are being sold to casinos throughout the US, and worldwide.
17. The fully automated electronic poker tables that exhibit commercial success share the features disclosed and claimed in the above-referenced patent application.
18. Based upon my information and belief, fully automated electronic poker tables are a commercial success because they provide a unique combination of features that addresses a market need. Fully automated electronic poker tables provide a familiar table experience for experienced players, have similar visual features to Internet poker, and are easy to operate and attractive to the poker novice.
19. Fully automated electronic poker tables thus fulfill a need unmet by devices disclosed in either the Yosseloff patent or the Crawford application.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

6/29/07

Date: June 29, 2007



Brian Haveson